

### **REMARKS**

Claims 1-29 are now pending in the application. Claims 1-29 have been cancelled herein and new Claims 30-58 have been added herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-29 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed. This rejection stands moot since Claims 1-29 have been cancelled herein and the newly added claims do not use the phrases questioned by the Examiner. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kirchner et al. (U.S. Pat. No. 6,011,234) in view of Kondo (U.S. Pat. No. 4,267,425). This rejection is respectfully traversed. This rejection stands moot since Claims 1-29 have been cancelled herein. Claims 30-58 have been added herein. New independent Claim 30 states that a support foot is movable in an axial direction between an operating position and a rest position support for this feature can be found in Applicant's originally filed application at paragraph nos. 22-25 and 30-33 and in figures 1 and 2. In contrast, neither Kirchner et al. nor Kondo, individually or in combination, disclose,

teach, or suggest a support foot that is movable. For example, Kirchner et al. discloses a path measuring system and does not disclose a measurement foot. For example, Kondo discloses contacting three fixed legs to a work surface as the condition to weld. Accordingly, it is respectfully requested that the instant rejection be withdrawn.

In addition, new independent Claim 45 states that a foot mounted to the welding head and the foot is operably movable from a rest position to an operable position. In contrast, neither Kirchner et al. nor Kondo, individually or in combination, disclose, teach, or suggest the use of a movable foot mounted to a welding head. Accordingly, it is requested that the instant rejection be withdrawn.

Furthermore, new independent Claim 50 states a welding method includes determining a whether movable foot is in an operable position or a rest position. In contrast, neither Kirchner et al. nor Kondo, individually or in combination, disclose, teach, or suggest the use of a movable foot in an operable position or a rest position. Accordingly, it is respectfully requested that the instant rejection is withdrawn.

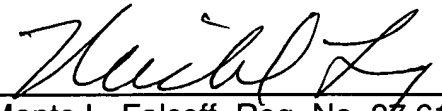
## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: 10/06/05

By:   
Monte L. Falcoff, Reg. No. 37,617  
Michael J. Lang, Ph.D. Reg. No. 51,120

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600  
MLF/MJL/ng